

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NORTH CAROLINA
SOUTHERN DIVISION
NO: 7:08-CR-00136-BR

UNITED STATES OF AMERICA

v.

DANIEL ADAM ROOKS,

Defendant.

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ORDER

This matter is before the court on defendant's motion for access to sealed documents in order to perfect his appeal. Docket entries 156 and 157 are the only documents to which defendant refers which are in fact under seal, and therefore, as to docket entries 145, 146, 151, and 158, defendant's motion is DENIED as moot. As for docket entries 156 and 157, the court notes that defendant's trial counsel filed these documents on behalf of defendant. The court sees no reason why such documents must be retrieved from the court's record, rather than from defense counsel's file, which presumably appellate counsel has obtained in the course of preparing defendant's appeal. At any rate, docket entry 156 should not have been filed under seal as it is a motion to seal which contains no confidential information itself. The Clerk is DIRECTED to unseal docket entry 156. Because that document is now available to defendant, the motion for access to docket entry 156 is DENIED as moot. Finally, docket entry 157 is no longer a part of the record pursuant to the court's 5 January 2010 order denying the motion to seal and defense counsel's having retrieved the document from the Clerk, and therefore, the

motion for access to docket entry 157 is DENIED.

This 2 November 2011.

A handwritten signature in green ink, appearing to read "W. Earl Britt", is positioned above a horizontal line.

W. Earl Britt
Senior U.S. District Judge